

MINUTES

OF THE

NATURAL RESOURCE COMMISSION

MEETING

APRIL 14, 2005

THREE MILE LAKE LODGE
CRESTON, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Natural Resource Commission was called to order by Chairperson Francisco at 8:30 a.m. on Thursday, April 14, 2005 at the Three Mile Lake Lodge, Afton, Iowa.

MEMBERS PRESENT

Joan Schneider
Janice Marcantonio
Carol Kramer
Paul Christiansen
Richard Kim Francisco

MEMBERS ABSENT

William Sullivan
Randy Duncan

APPROVE AGENDA

Motion was made by Commissioner Schneider to approve the April 14, 2005 NRC agenda. Seconded by Commissioner Christiansen. Motion carried unanimously.

Director Vonk reported that more study needs to be completed regarding Chapter 18 leases and the Mau Marine Chapter 18 Lease agenda item, which was tabled at the last meeting. He suggested that the item not be discussed at this meeting and wait until the May meeting to be removed from the table.

AGENDA APPROVED

APPROVE MINUTES

Motion was made by Commissioner Schneider to approve the minutes of the March 10, 2005 meeting. Seconded by Commissioner Christiansen.

Commissioner Francisco commented that the statement on page 37 that “the sale of captured wild animals is not allowed for any other species” is incorrect or a misstatement.

MINUTES APPROVED

DIRECTOR'S REMARKS

Director Vonk updated the commission on current legislative action. He said interest has been shown with regard to giving the department or the commission authority to bond for money to move forward with construction for Destination Park. Staff is working with the Governor's Office and the State Treasurer to determine what level of bonding will support paying back.

Boat Registration Fee legislation may not move until late in the session. Most likely fees will not be in the amount the Department would like.

Staff is still working on legislation regarding deer farms and shooting preserves, but it does look favorable that DNR will be given jurisdiction over shooting preserves. Discussion is ongoing regarding the size of pens for farms. Director Vonk said language may be crafted that would require the Department of Agriculture and DNR to work more closely together in terms of both these situations.

Director Vonk related that there is an incidence of positive tests for Chronic Wasting Disease in New York. There will be intensive harvesting and testing in and around the deer farms involved. He added that this is another case and probably the clearest one to date, that talked of the spread of this disease being directly associated with deer farmers.

Iowa testing for Chronic Wasting Disease have been completed and there are no cases of the disease found in Iowa.

Director Vonk reminded the commissioners of the Commission Effectiveness Workshop to be held on May 10 and 11 at the Des Moines Water Works. The NRC meeting will be on May 12.

The Director also invited Commissioners to attend a Kaizen event on May 20. Kaizen is a process improvement land acquisition process.

Director Vonk presented a plaque to Paul Christiansen in appreciation of his years of service to the state and the department as a Natural Resource Commissioner. The Director thanked Paul for his dedication and work for the department and the state.

CONSTRUCTION PROJECTS

Linda Hanson, Administrator, Management Services Division, presented the following item.

Bids were opened March 23, 2005 for the following project:

Backbone State Park, Delaware Co. - Pit Vault Latrine Replacement

This project consists of the construction of wood framed pit vault latrine with concrete vault, and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted in the Restore the Outdoors. DNR estimate is \$30,000. Ten sets of plans were requested. Four bids were received.

Scott Brown, dba Brown's Pump Service	Arlington, IA	\$ 29,000.00
Tschiggfrie Excavating Co.	Dubuque, IA	\$ 48,038.90
Bergstrom Construction, Inc.	Des Moines, IA	\$ 52,786.00

Taylor Construction, Inc.

New Vienna, IA

\$ 65,615.00

Staff recommends award of contract to Scott Brown, dba Brown's Pump Service, low bidder.

Motion was made by Commissioner Kramer to approve the low bid of Scott Brown, dba Brown's Pump Service, Arlington, Iowa, in the amount of \$29,000 for pit vault latrine replacement at Backbone State Park in Delaware County. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Riverton WMA, Fremont Co. – Corrugated Metal Pipe (CMP) Structures Replacement

This project consists of the replacement of several CMP Water Control Structures, placement of riprap and gabion basket revetment and incidental work as required by the Plans and the DNR Construction Inspector. Project is budgeted 100% in Marine Fuel Tax. DNR estimate is \$130,000. Thirteen sets of plans were requested. Two bids were received.

TEK Builders, Inc.

Mt Ayr, IA

\$118,004.00

Carley Construction LLC

Treyvor, IA

\$143,650.00

Staff recommends award of contract to TEK Builders, Inc., low bidder.

Motion was made by Commissioner Marcantonio to approve the low bid of TEK Builders, Inc. of Mt. Ayr, Iowa, in the amount of \$118,004.00 for replacement of water control structure replacement at Riverton WMA in Fremont County. Seconded by Commissioner Schneider. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Wildcat Den State Park, Muscatine Co. - Mill Roof Repair

This project consists of the repairs and replacement of the roof system at the Pine Creek Grist Mill, and the addition of the smokestack system as shown on the drawings, and as specified by the Plans and the DNR Construction Inspector. Project is budgeted 100% in the Restore the Outdoor. DNR estimate is \$30,000. Two sets of plans were requested. One bid was received.

Marty Jess Construction

Bellevue, IA

\$ 57,950.00

Staff recommends award of contract to Marty Jess Construction, low bidder.

Motion was made by Commissioner Christiansen to approve the bid of Marty Jess Construction of Bellevue, Iowa, in the amount of \$57,950.00 for roof repair at Pine Creek Grist Mill at Wildcat Den State Park in Muscatine County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED.

Prairie Rose State Park, Shelby Co. – Hot Mix Asphalt (HMA) Paving

This project consists of the HMA paving of existing granular roadways in Prairie Rose State Park, and other related work as required by the Plans and the DNR Construction Engineer. Project is budgeted 100% in the Parks and Institutional Roads fund. DNR estimate is \$124,600. Four sets of plans were requested. Two bids were received.

Henningsen Construction, Inc.	Council Bluffs, IA	\$115,097.00
Western Engineering Co., Inc.	Harlan, IA	\$125,041.69

Staff recommends award of contract to Henningsen Construction, Inc., low bidder.

Motion was made by Commissioner Schneider to approve the low bid of Henningsen Construction, Inc. of Council Bluffs, Iowa, in the amount of \$115,097.00 for roadway paving at Prairie Rose State Park in Shelby County. Seconded by Commissioner Kramer. Motion carried unanimously.

CONSTRUCTION PROJECT APPROVED

Brushy Creek State Recreation Area, Webster Co. - Seed Harvest Facility

This project consists of the construction of the seed harvest facility consisting of a 100 foot by 40 foot pole storage building with utilities and septic system, and other related work as required by the Plans and the DNR Construction Inspector. Alternate #1 is an 80 foot by 40 foot pole storage building, Class “A” crushed stone drive, concrete apron, interior slab and electrical service. Alternate #2 is a 20 foot by 30 foot greenhouse with interior slab, foundation and required utilities. Alternate #3 is 812 linear foot of chain link fence and two cantilevered gates. Project is budgeted 50% Fish and Wildlife Trust (Capitals Plan 2005) and 50% State Wildlife Grant funds. DNR estimate is \$500,000. Sixty-two sets of plans were requested. Five bids were received.

	<u>Base</u>	<u>Alternate #1</u>	<u>Alt. #2</u>	<u>Alt. #3</u>	<u>Total</u>
Legacy Const. Group, Inc. Grimes, IA	\$322,891.04	\$66,407.08	\$74,983.96	\$15,063.32	\$ 479,345.40
Jensen Builders Ltd. Boone, IA	\$410,983.50	\$113,521.00	\$68,224.00	\$16,350.00	\$ 609,078.50
R. H. Grabau Const., Inc. Boone, IA	\$446,946.33	\$113,825.00	\$70,843.00	\$16,900.00	\$ 648,515.00
Peterson Construction, Inc. Webster City, IA	\$481,095.00	\$115,000.00	\$81,000.00	\$19,000.00	\$ 696,095.00
Pinnell Brown Constr., Inc. Des Moines, IA	\$969,330.00	\$443,298.00	\$82,920.00	\$47,000.00	\$1,542,548.00

Staff recommends award of contract with Alternates 1, 2 and 3 for total of \$479,345.40 to Legacy Construction Group, Inc., low bidder.

Motion was made by Commissioner Schneider to approve a contract with Legacy Construction Group, Inc. of Grimes, Iowa with Alternates 1, 2 and 3 for total of \$479,345.40 for seed harvest

facilities work at Brushy Creek State Recreation Area in Webster County. Seconded by Commissioner Marcantonio.

Short discussion ensued regarding prairie seed collection and past issues regarding private seed growers and their concern regarding potential unfair competition from the state.

Director Vonk noted that the department is primarily working to generate seed from state land for state land. He said the department's relationship with seed growers is a positive one and this facility will make it easier for us to do our job.

Director Vonk also related that there is increasing local support in the Brushy Creek area for improved destination activities at Brushy Creek.

MOTION CARRIED UNANIMOUSLY.

Thanks

Chairman Kim Francisco thanked the local DNR staff, Bob Schierbaum, SW Iowa Parks Supervisor, Greg Haley, Park Manager and Allan Carr, Park Ranger at Green Valley State Park, Mark Sedlmayr, Law Enforcement Supervisor and Doug Jones with the Union County Conservation Board for their help on the tour. Special thanks went to John Tapken, Union County Conservation Board Director for his help with the tour and swan release at Three Mile Lake and the meeting facilities.

LAND ACQUISITION

Linda Hanson, Administrator, Management Services Division, presented the following item.

Table Marsh Wildlife Management Area, Woodbury County—Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested for the purchase of a tract of land located 20 miles southeast of Sioux City in Woodbury County. This 367.8-acre parcel is appraised at \$171,400 and is offered by the Iowa Natural Heritage Foundation (INHF) for \$115,000. The property was acquired by the INHF in 2002 for \$73,500. The property is encumbered by a Wetland Reserve Program (WRP) easement.

Donald P. Kearns, Licensed Appraiser of Smith Land Service Co., Atlantic, Iowa submitted the appraisal with an estimated market value of \$171,400. Jerry Gibson negotiated the purchase agreement.

The subject property is located two miles east of Hornick and is bisected by Iowa Highway 141. The subject tract is entirely recreational with level topography. Land use reflects a significant number of shallow water wetlands and grass seeding suited to waterfowl habitat. The average Corn Suitability Rating of the property is estimated at 57. There are no buildings. The WRP restoration has been completed with 226.1 acres seeded to native prairie, 30 acres of wetlands excavated, and 109.7 acres of natural re-vegetation.

Funding used for this acquisition funding will be Missouri River NAWCA through Ducks Unlimited. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Marcantonio for the purchase of 367.8 acres of land located at Table Marsh Wildlife Management Area in Woodbury County from the Iowa Natural Heritage Foundation for the price of \$115,000. Seconded by Commissioner Kramer. Motion carried unanimously.

LAND ACQUISITION APPROVED

Des Moines River Greenbelt, Boone County—Ruth York, Doris Hubby, Karol Schmidt and Karen Pearson

The Natural Resource Commission's approval is requested to accept a donation of land located in Boone County just east of the Des Moines River. Ruth York, Doris Hubby, Karol Schmidt and Karen Pearson offer this 20-acre tract for donation. The donors request that the property be named Hubby Reserve. The estimated value of this donation is \$24,000.

Rick Hansen and Mark Edwards facilitated this land donation.

This property is located approximately 5 miles southwest of Luther in south central Boone County. The tract reflects gently sloping to steep topography. Current land use is 8 acres of native timber, 2 acres of water (former gravel pit), 9 acres of grassed vegetation, and 1 acre of road right-of-way. The average Corn Suitability Rating of the property is 37. There are no building improvements. A county gravel-surfaced road is adjacent the south and west sides of the tract. The Des Moines River is about one quarter of a mile west and north of the property.

This tract will provide for public access and wildlife habitat to the Sugar Valley region of the Des Moines Greenbelt area. The Wildlife Bureau will manage the property as a refuge. No hunting, camping, or vehicle usage (except for ADA compliance) will be allowed on the property.

The Department will provide an appraisal to the donors for the purpose of the charitable contribution. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Schneider to approve the donation of 20 acres of land located in Boone County just east of the Des Moines River from Ruth York, Doris Hubby, Karol Schmidt and Karen Pearson. Seconded by Commissioner Kramer.

Director Vonk related that the department does receive criticism of natural areas similar to this that would serve as a refuge for deer during hunting season. Because of the proximity of this land to the river, this would serve that purpose. He asked if this donated land has a deed restriction or if the department would be able to manage the land.

Linda Hanson said there most likely is a deed restriction because the department would not voluntarily suggest such a restriction. She offered to follow up on the wording of the deed restriction.

Jeff Vonk said that if the landowners are not requiring it, the department needs to retain the right to manage the property. He said if the area is taken into our system as a refuge, the department needs to have the ability, if the need arises, to let people in there. Director Vonk asked staff to work with the landowners to allow the department management options when the need arises.

Commissioner Kramer commented that if the contact person with landowners sat down and talked with them to explain the problem of the overpopulation and posse damage from a deer herd to the property, they may have a better understanding of the department's position and allow different management of the land.

Motion carried unanimously.

LAND DONATION APPROVED

Yellow River State Forest, Allamakee County—Jeff and Mary Ann Kelly

The Natural Resource Commission's approval is requested to purchase a tract of land located in Allamakee County adjacent west of state-owned and managed Yellow River State Forest. Jeff and Mary Ann Kelly offer this 40-acre tract for the appraised price of \$91,000.

Dan Kinsinger, Licensed Appraiser of Iowa City, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This property is located two miles southeast of the town of Waterville in southeast Allamakee County. The upland tract reflects moderately sloping to steep topography. The property consists of 24 acres of maturing native timber and 16 acres of cropland enrolled in the Conservation Reserve Program (CRP). The sellers will reserve the annual CRP payment of \$85 per acre as may be earned for the year 2005 and will be responsible for compliance with the CRP contract. The average Corn Suitability Rating of the property is estimated at 25. There are no building improvements. A county gravel-base road provides access to the southwest corner of the tract.

This acquisition will protect a portion of the Little Paint Creek trout stream watershed. The Forestry Bureau will manage the property in accord with the area management plan.

Funding for this acquisition will be provided by 100% REAP Open Spaces. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Kramer to approve the purchase of a 40 acre tract of land located at Yellow River State Forest in Allamakee County from Jeff and Mary Ann Kelly for the appraised price of \$94,000. Seconded by Commissioner Marcantonio. Motion carried unanimously.

LAND ACQUISITION APPROVED

Kellerton Bird Conservation Area, Ringgold County—Iowa Natural Heritage Foundation

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Ringgold County. DNR-managed Kellerton Bird Conservation Area is adjacent to the south and west of the property. The Iowa Natural Heritage Foundation offer the 80-acre parcel for the appraised price of \$80,000.

Donald Kearn, Licensed Appraiser of Atlantic, Iowa, submitted the appraisal. Travis Baker negotiated the purchase agreement.

This property is located in east central Ringgold County. The town of Mount Ayr is located 8 miles northwest. The average Corn Suitability Rating of the property is 41.7. This property is located in the Bird Conservation Area and part of the Grand River Grassland Project. Several threatened and endangered species use this area, for example, the Greater Prairie-Chicken, the Short Eared Owl and the Northern Harrier.

This acquisition will become part of the 1,040-acre Kellerton Bird Conservation Area and will be managed by the Conservation and Recreation Division in accord with the area management plan.

Funding used for this acquisition will be 50% State Wildlife Grant and 50% Wildlife Habitat Stamp. Incidental closing costs will be the responsibility of the Department.

Motion was made by Commissioner Christiansen to approve the purchase of an 80-acre parcel of land at the Kellerton Bird Conservation Area in Ringgold County from the Iowa Natural Heritage Foundation for the appraised price of \$80,000.

LAND ACQUISITION APPROVED**CHAPTER 18 LEASE – MAU MARINE, EAST OKOBOJI, DICKINSON COUNTY (TABLED)**

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission is requested to recommend approval to the Executive Council of a renewal Chapter 18 lease with Mau Marine, Incorporated of Okoboji, Iowa. The leased area is located along the northeastern shore of East Okoboji Lake east of the US Highway 71 Bridge between East and West Okoboji Lakes in the City of Okoboji, Dickinson County.

The leased area consists of approximately 313 feet of shoreline of the lake and adjacent portions of the sovereign title lakebed, not to exceed 200 feet in depth, to accommodate permanent dock structures that are not removed seasonally. The lease includes additional adjacent parcels of fee title state-owned by the land. Portions of several Mau Marine buildings encroach upon state-owned land, while one of the parcels is used as a parking area. The lease covers approximately 1.26 acres of state-owned land. The area has been leased since 1984.

The lease will be for a period of five years with an annual fee of \$3,152. The administrative fee is \$567.36. If the IAC-571-18 fee schedule is amended during the term of this lease, the fee shall be adjusted to meet the revised schedule.

Commissioner Schneider asked about progress regarding the development of a formula to assess values of leased property.

Director Vonk stated that more time is needed to investigate various options that we may utilize. There will be a significant difference between current lease rates and any new formula. He said he has been told that there is no flexibility but that needs to be looked at in order to advise correctly as to what the options are.

ITEM NOT REMOVED FROM TABLE

BOUNDARY AGREEMENT – EAST SWAN LAKE, EMMET COUNTY

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested for a boundary agreement with Charlotte Oleson, of Armstrong, to establish approximately 4,650 feet of the boundary of East Swan Lake Wildlife Management Area in Government Lots 6, 7, 8 and 9, Section 23, Township 99 North, Range 32 West in Emmet County.

East Swan Lake Wildlife Management Area is the former bed of sovereign East Swan Lake. In the early 1900s the lake was drained as a part of a newly created drainage district with the intent to sell it to private individuals; however, it was never sold and title remains with the state by sovereignty. The boundary of the Wildlife Area is the ordinary high water line (OHWL) as it existed at the time it was drained. The OHWL was surveyed at the time the lake was drained and recorded in Emmet County. That boundary was very irregular, required excessive fencing and caused inefficient farming. In order to simplify the boundary, in October 1941, the Iowa Conservation Commission approved a land exchange with Martin Oleson, the deceased spouse of Charlotte Oleson. Ten separate small parcels were involved in the exchange totaling approximately 3.5 acres in Government Lots 6, 7, 8 and 9 in Section 23-99-32. A new fence was constructed on the resulting boundary.

Recently, a registered land surveyor hired by the Oleson family found the fenced boundary common to the Oleson property and the Wildlife Area was in conflict with the deeds and surveys of record in Emmet County. Research of the recorded deed records and DNR records has determined that the deeds for the exchange approved in 1941 have never been executed and recorded; however, the fenced boundary that exists today coincides with the boundary created by that exchange. The existing fence has been maintained and recognized by both the Oleson's and the DNR since 1941.

Deeds can be executed and filed now to conclude the exchange previously approved. Current surveying laws require a surveyed description of each of the ten parcels. The cost of those surveys can be avoided and the intent of the exchange can be realized by utilizing a boundary

agreement. The survey that is required to describe and record a boundary agreement has been completed and filed for record by Oleson's surveyor. The Attorney General's Office concurs with utilizing a boundary agreement to remedy this boundary issue.

The cost of the required survey has been provided by the Oleson's. There will be no survey costs for the DNR.

Motion was made by Commissioner Schneider to approve a boundary agreement with Charlotte Oleson of Armstrong, to establish approximately 4,650 feet of the boundary of East Swan Lake Wildlife Management Area in Emmet County. Seconded by Commissioner Marcantonio. Motion carried unanimously.

BOUNDARY AGREEMENT APPROVED

MARGO FRANKEL STATE PARK, POLK COUNTY—ELECTRIC TRANSMISSION LINE PERMANENT EASEMENT

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission is requested to authorize the director to issue a permanent easement to MidAmerican Energy Company, Inc., for an electric transmission line on a 3.6-acre corridor across the southern edge of Margo Frankel State Park.

The transmission line has existed in the park since 1963 and was upgraded in 1967. The original construction and the upgrade were authorized by issuance of construction permits. At that time, the Department did not have specific authority to issue permanent easements. The Department now has the authority to issue permanent easements to utility companies.

Transmission lines occupy only one side of the existing tower structures. MidAmerican has applied to construct a new circuit that would occupy the empty side of the structures to provide additional power to areas planned for development north of Des Moines. A construction permit has been issued authorizing the new construction. In addition to the construction permit, MidAmerican has requested a permanent easement for the transmission line.

MidAmerican has provided the Department a certified land survey of the easement and a certified appraisal that determined the value the easement at \$5,600. The Department's licensed staff appraiser has reviewed the appraisal and concurs with the determined value.

Motion was made by Commissioner Schneider to authorize the director to issue a permanent easement to MidAmerican Energy Company, Inc., for an electric transmission line on a 3.6 acre corridor across the southern edge of Margo Frankel State Park. Seconded by Commissioner Christiansen. Motion carried unanimously.

EASEMENT APPROVED

LAND TRANSFER TO CITY OF STORM LAKE

Linda Hanson, Administrator, Management Services Division, presented the following item.

The Natural Resource Commission's approval is requested to transfer the ownership of two parcels of land. One parcel is approximately 0.7 acres of sovereign land located on a dredge-filled area of the bed of Storm Lake. The other parcel is approximately 2.7 acres of state-owned land located approximately one-half mile southeasterly of the 0.7 acre parcel.

The 0.7-acre parcel is a portion of the lake bed along its northeastern shoreline that was filled under a dredge project, which occurred between 1939 and 1942. The balance of the filled area was transferred to the City in 1962. The 0.7-acre parcel, commonly referred to as the East Lake Water Patrol Station, was reserved in state-ownership. The state facilities at that site have now been removed.

The 2.7-acre parcel is the west half of an abandoned railroad and runs parallel to the eastern shore of Storm Lake and adjacent to the east boundary of the land transferred to the City in 1962. Title was quieted in the state by a judgment and decree rendered in 1983.

The City of Storm Lake has requested that title to the two parcels be conveyed to the City to be included in the proposed development of an expanded city park along the east shore of the lake.

Iowa Code Section 461A.32 allows for the proposed conveyances without consideration, and requires that the conveyances contain a reversion provision that provides when such lands cease to be used as a public park, title will revert to the state.

Motion was made by Commissioner Kramer to approve the transfer of a 0.7 acre parcel of sovereign land located on a dredge-filled area of the bed of Storm Lake and a 2.7 acre parcel of state-owned land located approximately one-half mile southeasterly of the 0.7 acre parcel to the City of Storm Lake in Buena Vista County. Seconded by Commissioner Christiansen. .

LAND TRANSFER APPROVED

PUBLIC OWNED LAKES PROGRAM WATERSHED ELIGIBILITY

Diane Ford-Shivvers, Conservation and Recreation Division, presented the following item.

The Natural Resource Commission has responsibility for designating those watersheds above publicly owned lakes where private landowners are eligible to receive cost share funding for 75% of the cost of installing approved permanent soil conservation practices. Funds for the program come from appropriations to the Iowa Department of Agriculture and Land Stewardship. Funding for the program is 5% of the total appropriation for the state cost-share program for soil erosion. Funding for the program in fiscal year 2002 was \$375,000. Funding in fiscal year 2003 was \$175,000. Funding in fiscal years 2004 and 2005 was \$275,000. All funds for fiscal year 2005 will be obligated. Funding for fiscal year 2006 is projected to be \$275,000.

Procedures for establishing and maintaining a list of eligible watersheds are set forth in IAC [571], Chapter 31 Publicly Owned Lakes Eligibility Process. In accordance with the rules the

following preliminary recommendations for watershed eligibility in fiscal year 2006 have been developed.

Constructed Lakes

Highest rated constructed lakes according to the administrative rules rating formula:

Lake Geode, Des Moines and Henry Counties

Williamson Pond, Lucas County

Hawthorn Lake, Mahaska County

Roberts Creek Lake, Marion County

Additional constructed lakes to be included for the reasons indicated:

Lost Grove Lake, Scott County (a new lake with construction to begin in fiscal year 2006)

Three Mile Lake, Union County (recently constructed)

Lake of Three Fires, Taylor County (subject of a comprehensive lake, watershed and park improvement project, funded from a variety federal and state sources)

Lake Icaria, Adams County (subject of the Three Lakes Water Quality Project, eligibility requested by the local Soil and Water Conservation District)

Rock Creek Lake, Jasper County (subject of a comprehensive lake, watershed and park improvement project, funded from state sources and an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Lake Darling, Washington, Jefferson and Keokuk Counties (subject of a EPA Section 319 watershed project that utilizes soil erosion practice funding, and an the subject of an watershed improvement effort by an organized local interest group)

Lake Macbride, Johnson County (subject of an EPA Section 319 watershed project that utilizes soil erosion practice funding)

Viking Lake, Montgomery County (subject of an EPA Section 319 project that utilizes soil erosion practice funding)

Brushy Creek Lake, Webster County (subject of an EPA Section 319 project that utilizes soil erosion practice funding)

Natural Lakes

The interconnected Iowa Great Lakes system, to be considered a single watershed for funding:

West Okoboji Lake

Center Lake

Big Spirit Lake

Little Spirit Lake

East Okoboji Lake

Upper Gar Lake

Minnewashta Lake

Lower Gar Lake

Additional natural lakes to be included for the reasons indicated:

Storm Lake, Buena Vista County (subject of a state and local funded lake and watershed restoration project)

Crystal Lake, Hancock County (subject of a state and federal EPA funded lake and watershed restoration project)

Clear Lake, Cerro Gordo County (subject of a comprehensive lake and watershed restoration project, funded from a variety of federal, state and local sources project that utilizes soil erosion practice funding)

The recommendations above include two deletions from current eligibility. Volga Lake in Fayette County is deleted upon advice by the local district soil conservationist that additional funds from the program are unnecessary. Bob White Lake in Wayne County is deleted based on expiration of their EPA 319 project.

Viking Lake and Brushy Creek Lake have been recommended for eligibility beginning in FY 2006 based on new EPA Section 319 projects. Recommendations for the remaining watersheds listed above are continued from the current year based on continuing EPA projects and or information from respective local District Conservationist verifying continuing need and landowner interest in program participation. Lost Grove Lake watershed is recommended prior to lake construction because the staff believes its participation the program will provide a unique opportunity to maximize water quality and protect the significant public investment that that soon will be made in the lake.

These recommendations will be sent to all Soil and Water Conservation Districts for informational purposes. The NRC will be requested to approve the eligibility list at its June meeting.

INFORMATION ITEM

CONSERVATION AND RECREATION DONATIONS

Diane Ford-Shivvers, Conservation and Recreation Division, presented the following item.

The Commission is requested to accept the following donations:

Parks Bureau

Bob Brierly donated a 16 foot pontoon boat with 25 horse motor and trailer valued at \$1500.00 to the Rock Creek State Park. The boat will be used by park staff while working on the lake.

Gail Lewellan donated a park bench valued at \$250.00 to the lodge playground area at George Wyth State Park.

Crees Garden Center donated five trees (3-ash and 2-plum) valued at \$450.00 to the Prairie Rose State Park.

Law Enforcement Bureau

The Southwest Iowa Whitetails Unlimited chapter and the Red Oak Chapter of Whitetails Unlimited donated a Garmin GPSMAP 196 valued at \$1000.00 to be used during aircraft flights in Southwest Iowa.

Motion was made by Commissioner Kramer to approve the donations to the Conservation and Recreation Division. Seconded by Commissioner Christiansen. Motion carried unanimously.

DONATIONS APPROVED

NOTICE OF INTENDED ACTION—CHAPTER 51, USE OF FIREARMS

Diane Ford-Shivvers, Conservation and Recreation Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to amend Chapter 51 – Use of Firearms. The amendment adds prohibited areas for target shooting.

NATURAL RESOURCE COMMISSION [571]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend 51, “Game Management Areas” Iowa Administrative Code.

These rules give the regulations for the use of game management areas. These amendments will update the name of the shooting range area from "Banner Pits" to "Banner Lakes at Summerset State Park" to reflect the recent renovation, development, and renaming of the area. In addition, the new subsection will close four wildlife management areas to target shooting. Each of the four wildlife areas will remain open to hunting.

Any interested person may make written suggestions or comments on the proposed amendments on or before May 31, 2005. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on June 1, 2005, in the Fifth Floor West Conference Room, Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 483A.38, 483A.39, 483A.48 and 483A.7.

The following amendments are proposed.

ITEM 1. Amend subsection 51.3(1), unnumbered paragraph 8, as follows:

All requirements listed in this section shall apply to the following shooting ranges:

Banner ~~Pits~~ Lakes at Summerset State Park – Warren County

Bays Branch Area – Guthrie County
Brushy Creek Area – Webster County
Hawkeye Wildlife Area – Johnson County
Hull Wildlife Area – Mahaska County
Mines of Spain – Dubuque County
Ocheyedan Wildlife Area – Clay County
Princeton Wildlife Area – Scott County
Spring Run Wildlife Area – Dickinson County

ITEM 2. Amend rule 571--51.3(481A) by adopting the following new section 51.3(2):
51.3(2) Target shooting is prohibited on the following areas:

- a. Folsom Lake –Mills County
- b. Keg Lake – Mills County
- c. Bartlett Access – Fremont County
- d. Banner Flats – Warren County

Date

Jeffrey R. Vonk, Director

Diane reviewed that the rule changes include changing the name “Banner Pits” to “Banner Lakes at Summerset State Park” and will also close four wildlife management areas to target shooting.

Director Vonk related that he occasionally hears from representatives of the Iowa Sportsmen Federation and the National Rifle Association that they view some decisions the department makes as overly restrictive and discouraging people from participating in both hunting and in shooting sports in general. He said he will be giving this rule change information to their lobbyist and said the commission should expect to hear from them. Director Vonk distributed maps showing the areas that are proposed to be closed as well as other existing areas that we own and manage where target shooting will continue to be a legal activity. He noted that people will still be able to hunt in those areas, but the plan is to close those four target shooting areas. He added that we are obligated to provide areas for that type of recreation but we must also look at safety and access.

Director Vonk said that at Banner Lakes at Summerset State Park there is a nice shooting facility that is manned and there are plans to expand and improve that facility for a nice organized and managed shooting range facility. He said the other areas are rather small and are problem areas to neighbors and department staff.

Commissioner Marcantonio questioned why target shooting is more risky than hunting.

Director Vonk replied that hunting is restricted to a few months of the year and target shooting is a year round activity. Target shooting involves any weapon that you can conceive of, including high powered rifles, automatic weapons, assault style weapons, etc. Hunting in Iowa primarily is shotgun use. He said that target shooting areas proposed to close in western Iowa are because of their proximity to Interstate 29. He stated that target shooting is a viable recreation activity for a small number of folks and it is our obligation to provide areas for them to do it.

Commissioners reported they received a letter expressing disagreement regarding controlled deer hunts in our state parks for population control.

Director Vonk said he would draft a letter back to those people on behalf of the commission. He said better communication by the agency on multiple use and ecologic balance is important

Bob Schierbaum explained that all hunters at the special hunts are required to attend a safety meeting. He said all rules and regulations are reviewed and it is stressed for them to be aware of their target, where fellow hunters are, etc. He said staff tries hard to conduct safe hunts. Mr. Schierbaum added that during special hunts other areas of the park are closed off.

Motion was made by Commissioner Christiansen to approve Notice of Intended Action—Chapter 51, Use of Firearms. Seconded by Commissioner Schneider. Motion carried unanimously.

NOTICE APPROVED

FOREST LEGACY CONSERVATION EASEMENT

Diane Ford-Shivvers, Conservation and Recreation Division, presented the following item.

As part of the 1990 Farm Bill, congress created the Forest Legacy Program to identify and protect environmentally important private forestlands threatened with conversion to non-forest uses. This program promotes the concept of protecting “working forests” and allowing continuation of traditional forest uses as long as it follows a state forester approved Forest Stewardship Plan.

The Forest Legacy Program is federally funded and will pay up to 75% of the total market value of a conservation easement (development rights) of private forests. Funding is dependent upon Congressional review for specific tracts and projects. Advanced private landowner applications are required to be reviewed at the state level, then prioritized at the state level and forwarded to the USDA Forest Service to be built into the federal budgeting process for the USDA Forest Service budget.

In Iowa, our forest legacy application process is open year-round to any interested forestland owner in designated Forest Legacy areas that cover forested areas in Iowa. Applications are prioritized to properties that (1) possess a forest stewardship plan; (2) are close to or adjoin protected lands such as parks, forests, etc.; (3) properties are threatened by conversion to non forest use and (4) landowners are willing to contribute in-kind to the minimum 25% match requirement. A State Forest Stewardship Committee (members include Iowa Natural Heritage Foundation; Farm Bureau; Iowa State University Extension; Amana Forestry; Conservation Districts of Iowa; etc) reviews the applications each year and makes recommendations to the State Forester for funding priority.

In 2004, Iowa received federal funding approval to acquire a conservation easement from Cliff and Jennie Waller and the Waller Family Trust of Dubuque, Iowa on 417 acres of forest south of south of US Highway 151 located in T87N R1W portions of section 36 in Dubuque County; T86N R1W portions of section 1 in Jones County and T86N R1E a right-of-way in section 6 in

Jackson County that contains Whitewater Canyon and Whitewater Creek a tributary of the North Fork of the Maquoketa River containing 417 acres.

After a process of fair market appraisal by Edwin A Roach, ARA, and review appraisal by DNR Appraiser Rick Hansen, ARA, to meet federal standards, the Waller property appraised at \$967,000 before the easement and \$730,000 after the easement – meaning the development rights are worth \$237,000. Mr. and Mrs. Waller have signed an offer to sell a permanent conservation easement to the Department for 75% of the development rights for \$178,275 and will donate \$58,725 to meet the federal 25% match requirement to the Department. This permanent conservation easement is perpetual and will be recorded being made part of the deed for the land; Iowa DNR Forestry Bureau will conduct annual monitoring inspections in cooperation with the landowner.

The Commission is asked to approve the Forest Legacy offer of \$178,275 and accept \$58,725 in in-kind donation for the purchase of the permanent conservation easement on 417 acres of forest in Dubuque, Jones and Jackson counties from Cliff and Jennie Waller and the Waller Family Trust.

Iowa applications have been approved in Federal FY04 for up to \$286,000 – these Forest Legacy funds are specific for this project.

Motion was made by Commissioner Schneider to approve the Forest Legacy offer of \$178,275 and accept \$58,725 in in-kind donation for the purchase of the permanent conservation easement on 417 acres of forest in Dubuque, Jones and Jackson counties from Cliff and Jennie Waller and the Waller Family Trust. Seconded by Commissioner Christiansen. Motion carried unanimously.

CONSERVATION EASEMENT APPROVED

SOUTHWEST IOWA DISTRICT FRIENDS GROUPS

Bob Schierbaum, SW District Parks Supervisor, gave a power point presentation on the role of friends groups in state parks. He reviewed the various volunteer activities and fundraisers that have taken place at Prairie Rose State Park, Lake Manawa State Park, Lake Anita State Park, Lake of Three Fires State Park, Springbrook State Park, Lewis and Clark State Park, and Nine Eagles State Park. Future plans are to get additional friends groups who have the ability to access grants into additional state parks. Presently parks staff is working on the State Park 20-20 Plan which is an effort to leverage money with the legislature and to be able to access our friends to be part of the coalition to lobby for state parks.

INFORMATION ITEM

GENERAL DISCUSSION

Commissioner Schneider reported that commissioners received a letter regarding penned dogs. Mr. Francisco said that staff is preparing a report regarding this so an answer to the letter should wait until the report is in.

Commissioner Schneider asked for comment regarding the article on poor water quality and Iowa wetlands threatening migrating waterfowl.

Director Vonk related that this is a focus of Ducks Unlimited and the department is working with them on trying to identify larger wetland complexes along the migrating route through Iowa. He said he would arrange for Roger Peterson of Ducks Unlimited to give his power point presentation on this at the June or August meeting.

Commissioner Schneider asked for a status update regarding the dock rules.

Director Vonk said he believes that the process is on schedule and the plan is to hold public hearings in all of the “hot spots” while summer folks are at their summer homes. It is expected that the Notice of Intended Action will be before the commission in June.

Commissioner Francisco asked about the legislation containing language to limit donations.

Diane said the bill has not surfaced but expects language to be included in it that covers how the DNR accepts donations and also cover the Kaizen Improvement Process.

NEXT MEETING DATES

The next meeting will be held May 12 in Des Moines. A Commission Effectiveness Workshop will take place at the Water Works Facilities on May 10, 10:00 – 4:30 and May 11, 8:30 – 4:30.

ADJOURNMENT

<i>Motion was made by Commissioner Christiansen to adjourn the April 14, 2005 NRC meeting. Seconded by Commissioner Schneider. Meeting adjourned at 11:10 a.m..</i>

Jeffrey R. Vonk, Director

Richard Kim Francisco, Chairperson

Janice Marcantonio, Secretary

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